

1895-020
Lee Co.

Chancery Causes: William M. Derry vs Sarah Derry

Brooks, Campbell, Yeary, Derry, Slomp

CA-Divorce
T-Vices

To the Honorable H. S. K. Marison
Judge of the Circuit Court of Lee
County Virginia.

Humbly Complaining your orator
W. M. Dearry would respectfully represent
and shew unto your honor that he is a
citizen of said County and State of aforesaid
and has been domiciled therein for more
than one year, that on or about the
day of he married his
present wife Sarah E. Dearry and they
lived together as man and wife until
when she became untrue to him
and would not stay at home and he
became satisfied that she was guilty of
acts of adultery and they separated and he
has not lived or cohabited with her since
and he is well satisfied and therefore charges
that his said wife has been guilty of
frequent acts of adultery since their separation
as well as before, and that said acts of
adultery were not committed by his
procurement or connivance and that were
committed within five years of the bringing
of this suit. The object of this bill is therefore
to obtain a divorce from the bonds of matrimony
now existing between your orator and his
said wife and that the said marriage be

wholly dissolved, And to effect this he
prays that the said Sarah E. Deary be
made a party defendant to this bill and
be required to answer the same on oath
and that upon a hearing adherents to this end
be rendered in favor of petitioner, and
for all other and further relief general
May spe. issue and if necessary pub-
lication be made against defendant who
may be a non-resident.

M. G. Ely P. Q.

Tax 1.50
 b 8.60
 Dr. 5.00
 depo 2.50
 Atty 15.00
 \$32.60
 Mc 2.20
 \$34.80

90 to 00
 0-

Ely-

H. M. Dearry off

W. Bittin chy-

Lark E. Dearry de

9.11
 2.35
 6.76

1892 Spd not Exd
 Octo Bill filed & O.D.

Novn Rules Court for O.D.

Decr " continued

1893 Jan Order Rule Court

" 2 " Rules Court d

" 2 Feb " "

" 14 2 Mr " "

" 14 2 " Apr "

June Term Court d

1893 Novr Term Court

1894 March " "

" June " "

" Novr " "

1896 March Term Decree

final See Cheyord

Book Page 147

W. M. Dearly vs. Sarah E. Dearly } } Decree.

This cause, in which the plaintiff appears to have proceeded against the defendant, who is out of this commonwealth, in the mode prescribed by law, against absent defendants, and she still failing to appear, and answer, came on this day to be heard on the bill, and deposition of witnesses and was argued by counsel for the plaintiff; on consideration whereof, the court being of opinion that the charge of adultery against the defendant is fully proved, doth adjudge order and decree. That the marriage heretofore solemnized between W. M. Dearly and Sarah E. Dearly, be and the same is hereby dissolved, the said W. M. Dearly forever divorced from his wife the said Sarah E. Dearly, And nothing further remaining to be done in this suit it is ordered that the same be removed from the docket.

W. M. Deary
no. 112 Deary final

Sarah E. Deary

O. B.

Poor

Page 147

Enter this

W. M.

March. 7th 1895

The depositions of Charley Brooks and others
taken before me L. P. Bray a justice of
the Peace for the County of Claiborne and State
Tennessee, on the 19 day of Oct 1894
to be read as evidence on behalf of W. M. Deary
in a certain suit - in equity depending in the
Circuit Court of Lee County Va. wherein
W. M. Deary is Plaintiff and Sarah E. Deary is
def.

Present,

being duly sworn deposes and
saith:

Ques 1st. State your age and occupation.

I seen Charley Brooks and the def. go behind some
bushes then after they was gone I saw where some body layed

Ques 2nd. Are you acquainted with the parties to this
suit?

Th. Deary

Ques 3rd. State all you may know concerning Sarah E. Deary
as to whether or not you know of her being guilty
of acts of adultery.

I could have seen Brooks and her at the very act if I
had looked at them that is Charlie she lay ^{head} on his
lap at my house. I have had intercourse with her
my self on different times L. H. J. Brooks

Ques 4. Did you ever have sexual intercourse with
her, while she was the wife of W. M. Deary, or
do you know of any one who did?

I was down at this house and she ~~was~~ was
telling me about cussing a man when he ask
for it and she hus would you cuss me if I was
to ask you and she said she wouldn't
she said a man could git around a man three
times to a mans ever

Albert Campbell

Malissie

I seen Elizabeth Dary. and Charlie Brooks
go down the river to a alde house at different
times and she toled me that she wouldnt
give Charlies Little finger for Wm Dary
she and he was at my house and layed
this heads birt in ones of first one and the
other laps. I have seen Charlie make signs
to hus to go to ward the alde house
sworn to this Oct 19 1892

Malissie Brooks

Liv. P. Bray J.P.

I went to Dary house and heard something
as some body jump out the bed and Charley Brooks
was there and when he started off hand took
25cts in silver out in his hand and made motion
to hus to go to the spring and she went
sworn to this Oct 19 1892

Larper Wiers

Liv. P. Bray J.P.

This to Certify that I have known Wm.
Deary for fifteen years or more and I never
knew any thing discreditable about him
Lud. P. Bray

To the public or all whom it may
Concern,

I have known Wm. M.
Deary since he was 6 years old.
Have always found him reliable
in every respect. And especially
while he was living with said
Sarah Deary, I never saw anything
unbecoming of him. He and Sarah
lived in about $\frac{1}{2}$ or $\frac{3}{4}$ mile of my
office and Mrs. Deary was working
for me frequently.

Also will say I can not say the
same of Mrs. Deary.

Respectfully

L. A. Brooker, J. M., et al,
Albendale,
Tenn.

W. M. Deary Dep.

7²³ Depositions

Carroll E. Deary Dep.

Filed Oct. 26/892.

J. A. H. Bryant
cc

State of Tennessee
County of Blount
I, J. P. Bray, a Justice of the Peace in and
for the County and State of aforesaid do
hereby certify that the foregoing Depositions
were duly taken, sworn to and subscribed
before me at the time and place mentioned
and for the purposes set forth in the caption
in my County and State of aforesaid.
Given under my hand This 19 day
of Oct 1892

J. P. Bray

J. P.

The deposition of W. M. Derry taken before me John Riddle a Justice of the Peace, in and for the County of Lee, State of Va. To be read as evidence in a suit in Chancery pending in the Circuit Court of Lee County, Virginia, wherein W. M. Derry is plaintiff and Elizabeth Derry is deft. Taken pursuant to an order of publication and between the hours of 8 AM, and 6 PM on the 12th of Feb, 1895.

W. M. Derry, a witness of lawful being duly sworn depose and saith as follows.

Ques 1 State your residence, age, and occupation?
Ans 1 Obinger, Lee Co, Va, Twenty Six, Farmer.

Ques 2 Are you the plaintiff in this suit.
Ans 2 Yes.

Ques 3 State whether or not you were a resident of Lee Co, for year previous to the institution of this suit?

Ans 3 Yes.

Ques 4 Were the acts of adultery alleged committed within five years next before the institution of this suit, if so state whether or not they were committed by your procurement or connivance?

Ans 4 They were committed within five years next before

the institution of this suit; and were committed
without my procurement or connivance,
and further this deponent saith not.

W M Derry

Virginia, Lee County Court:

I John Riddle a Justice of the Peace in and
for the County of Lee, State of Virginia do
hereby certify that the foregoing deposition
of W. M. Derry was taken, subscribed and
sworn to before me, for the purpose
mentioned in the Caption. Given under
my hand, this Feb. 12, 1895.

John Riddle J P

W. M. Derry
Depositions,

Elizabeth Derry

Received by mail
in good condition
and filed Feb. 13
1895

A B Munsey
Clerk

The depositions of C. Slump and thus
taken before me ^{Carr Bailey, Commissioner in Chancery for} ~~John Middle~~ Justice of
the Peace in and for the County of Lee
and State of Va. do now 8th 1892 to be read
as evidence in behalf of W. M. Deary in a
suit now pending in the Circuit Court
Lee County wherein W. M. Deary is Plaintiff
and Sarah E. Deary is defendant, pursuant
to an order of publication.

Present Plaintiff and his Counsel.

Ques 1st State your age and occupation.

Ans. 52 years old, Farmer by occupation.

Ques 2nd Are you acquainted with the Plaintiff to
this suit W. M. Deary? How long have you
known him?

Ans. I am I have known him for about
two years.

Ques. State all you may know concerning his
general character (if you are acquainted with the
same) and is it good or bad?

Ans. His character is very good so far as I know.
And I know nothing derogatory to the same.
He is considered a man of good repute in the
neighborhood in which he lives and is a man
of truth and veracity as I believe.

And further this deponent saith not.
C. Slump

Lee County Va.

I Carr Bailey, Commissioner in Chancery for the Circuit of
~~John Middle~~ Justice of the Peace in and for the County
of Lee do certify that the foregoing deposition was taken
subscribed and sworn to before me for the purposes
set forth in the caption, Given under my hand
this the 8th day of Nov. 1892.

Carr Bailey
Comm. in Chancery &c

J.P.

The Circuit Court of Lee County Va.

Lee County Va.

W. M. Barry

To. ²³/₃₃ Depositions

Sarah E. Barry

State of Tennessee } J. H. J. Brooks
Claiborne County } (aforenamed by
Oath Age 40 years of age.
and made oath in due form of law and
says that he had sectional intercourse
with Elisabeth Deary at different times
when she was living with Wm Deary
and further says he could have seen
Charlie Brooks if he had looked, and has
seen Charlie make signs for him to come to
him several times.

sworn to and subscribed This Nov 29 1892
J. H. J. Brooks

Geo. P. Bray J.P.

State of Tennessee } Husten Geary
Claiborne County } (aforenamed by exception
Age 45 years. and made oath in due form
of law and says he seen Charlie Brooks
and Elisabeth Deary grow behind some
bushes near a old house and after they
came out he went and saw where some
body had layed. sworn to and subscribed
This Nov 29 1892

Husten Geary

Geo. P. Bray J.P.

Wm Deary
vs 3 Affidavits
or something
of the kind
Elizabeth Deary

Received through
the mail and
filed Dec. 8th 1892.
J. S. Syatt

State of Tennessee, Malissie Brooks
Claiborne County (The wife of a former
personally appeared before me the undersigned
authority and made oath in due form of
law and says that she had seen Charlie Brooks
make signs to Elizabeth Derry to come to him
at different times and further says
she did see L. H. F. Brooks and him at
the very act in a cane patch

This Nov 29 1892

Malissie Brooks; age 35 years

Jno. P. Bray J.D.

I have known Wm Derry
for ten or fifteen years and never
heard or known any thing against his
character

Jno. P. Bray

Alfons

I lived about 1/2 mile from you, Deary
during the time he and his wife were living
together. I heard Mrs. Deary say that she
did not care anything for Mr. Deary, that
she would do as she pleased, if she had
anything a man wanted they might have
it, I heard men say that they had slept
with her when Mr. Deary was away from
home, she told me that one of them had
been as good as Mr. Deary to her, and that
she had paid him, in a particular way.

I was at Mr. Deary's house one day when Mr.
Deary was away, Mrs. Deary said that she would
accommodate any man and charge only to not
tell Mr. Deary about it she said I could have
it if I would keep it a secret, I did not go any-
further, I ask her if she cared anything for
Mr. Deary, she said "Mr. Deary was nothing to her."

I never saw Mr. Deary do anything of the above or
offer to any such tricks while he lived with his wife,
with other women, S. A. Brooks

State Tennessee / G. A. Brooks - A
Clairborne County / farmer 34 years
personally altered the facts in the undersigned
authorities and make out the facts as
best page of this report and compare
Nov 29 1892

G. A. Brooks

Pro. P. Bay Jr

1892

Octo.

Decr

1892

Mr

Wm. Deary (Turkey Cove Jn)
 To J. A. D. Hyatt Clerk

	In
Spa in Cherry vs Sarah Deary 26 Copy 18	38
Receipt 18, fil bill 15 Doct 18 Att 10 Rules 1.00	1.61
return 33, order Pub 36 Copies 60 affid 25	1.86
fil 15 Certificates 75, Depo. 30 Et. 15	1.35
Contd at Rules 1.50 Tax 1.50	3.00
contd 1.08 1892 Contd 1.08 Taxing Costre 90	3.06
	<hr/> \$10.96

By Arrow in Contd
 " Cash on writ Tax

2.16	
1.00	3 16

By Reasoner

7.80
5.00
<hr/> \$2.80

New 9/1896 By order of M. G. Galy to New Orleans \$57.00

Mrs Deary
Feed Bill

To \$10.96

J. S. Hyatt

See M. G. Galy

5.96
2.80

163 16

In the Clerk's Office of the Circuit Court of the County of
Lee on the 20th day of September 1892.

Wm M. Deary
against

Plaintiff

J. W. Lehey

Sarah Deary Defendant

The object of this suit is to obtain a divorce from
the bonds of matrimony now
existing between Plff and Defth

And an affidavit having been made and filed that the defendant

Sarah Deary
is

not resident of the State of Virginia, it is ordered that

She do appear here, within fifteen days

after due publication hereof, and do what may be necessary to protect her interest in this suit. And

it is further ordered that a copy hereof be published once a week for four weeks in the Lee County

Republican, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

M. G. Ealy

p. q.

J. W. Syatt

Clerk.

Wm Deary

vs. }

ORDER OF
PUBLICATION.

Samuel Deary

I Certify That
I posted an office
copy of this order
on Court house
door on the
first day of
Octo Term 1892
and delivered a
like copy thereof
to Lee County Repub-
lican for publication
on the 20 Sept 1892

J. A. Smith
Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

Wm. Deary
against

Plaintiff

D. W. Choy

Sarah E. Deary

Defendant

This day M. G. Ely personally appeared
before me, J. A. Hyatt Clerk of the said Court,
and being duly sworn, made oath that Sarah E. Deary

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this

20th

day of

Sept 1892

J. A. Hyatt

Wm Deary

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Sarah E. Deary

M. G. Ely p. q.

Filed Sept 20 1892
J. A. Hyatt

NAME: _____
 ADDRESS: _____
 CITY: _____
 STATE: _____
 ZIP: _____
 PHONE: _____
 GREETING: _____
 Sarah E. Leary

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in
October next, being rule day to answer a bill in Chancery exhibited in our said Court against
.....
..... by
.....

of said Court at the Courthouse. This ... 20th ...
 health. J. A. S. Lynch Clerk.

A Copy Test

W. M. Deary
2 3/4 Sp. in
Chcy
Sarah Deary
To 1st Oct. Rules 1892

Not executed
not found in
my bailiwick
Sept 21st 1892
C. E. Flanagan S. L. Co

Printed for \$5.00

In the clerk's office of the circuit court
of the county of Lee on the 20th day of
September 1892.

Wm. M. Dearry, plff.

vs.

Sarrah Dearry, deft.

} In Chancery

The object of this suit is to obtain a divorce from the bonds of matrimony now existing between plaintiff and defendant. And an affidavit having been made and filed that the defendant Sarah Dearry is a not a resident of the State of Virginia, is is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican, and a copy be posted at the courthouse of this county on the first day of the next term of the county court.

A copy—Teste:

J. A. G. Hyatt, circuit clerk.

M. G. Ely, p. q.

sep 22-4t

VIRGINIA, Lee County, To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-

paper, printed in the town of Jonesville,

in the county of Lee, Virginia, do here-

by certify that the foregoing order of

publication was duly published in said

paper for four successive weeks, from

and after the 22 day of Sept.....

1892 Ending on the 20 day of Oct.....

..... 1892

Geo. C. Coleman,

Editor and Publisher'

Wm. M. Deary
vs Printers
Certificate
Sarah Deary

Pro fees \$5.00